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14 Attorneys for Petitioner Eliot Scott Grizzle

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA

17 ELIOT SCOTT GRIZZLE, ) Case No. C 07-4845 SI  
18 Petitioner, )  
19 v. )  
20 ROBERT HOREL, )  
21 Respondent. )  
22  
23

**STATEMENT OF RECENT DECISION**

24 Petitioner, Eliot Scott Grizzle, respectfully submits the Ninth Circuit's recent decision in  
25 *Jackson v. Brown*, \_\_ F.3d \_\_, Nos. 04-99006, 04-99007, 2008 WL 185528 (9<sup>th</sup> Cir. Jan. 23, 2008) as  
26 supplemental authority. In *Jackson*, the Ninth Circuit granted a petitioner habeas corpus relief due to *Brady*  
27 and *Mooney-Napue* violations arising from the prosecution's use of cooperating witnesses. *Jackson* supports  
28 Mr. Grizzle's contentions that the prosecution engaged in *Brady* and *Mooney-Napue* violations with respect  
to its cooperating witnesses. In particular, the Ninth Circuit emphasized that *Brady* and *Mooney-Napue*  
violations must be considered cumulatively for purposes of determining materiality or prejudice.

29 Respectfully submitted,

30 Dated: February 1, 2008

31 *s/*Benjamin L. Coleman, Ethan A. Balogh  
32 COLEMAN & BALOGH LLP  
33 BENJAMIN L. COLEMAN  
34 ETHAN A. BALOGH

35 Attorneys for Mr. Grizzle

## **PROOF OF SERVICE**

I, the undersigned, say:

1) That I am over eighteen years of age, a resident of the County of San Diego, State of California, and not a party in the within action;

2) That my business address is 1350 Columbia Street, Suite 600, San Diego, California, 92101;

3) That on February 1, 2008, I served a copy of the attached Statement of Recent Decision on counsel for respondent by e-mailing a copy to [Jill.Thayer@doj.ca.gov](mailto:Jill.Thayer@doj.ca.gov) and by sending a copy via U.S. Mail to Jill M. Thayer, Deputy Attorney General, 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004.

4) That on February 1, 2008, I served a copy of the attached Statement of Recent Decision on Eliot Scott Grizzle via U.S. Mail by sending a copy to Eliot Scott Grizzle, H-10106, Pelican Bay State Prison, P.O. Box 7500, Crescent City, CA 95532.

I certify under penalty of perjury that the foregoing is true and correct. Executed on February 1, 2008, at San Diego, California.

*s/***Benjamin L. Coleman**  
**BENJAMIN L. COLEMAN**